

## 6.1.100 – Definitions

### Subsections:

**6.1.105** Meaning of Common Words

**6.1.110** Meaning of Specific Words and Terms

### 6.1.105 Meaning of Common Words

- (A) All words used in the present tense include the future tense.
- (B) All words in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
- (C) The word “shall” directly and clearly imposes a duty upon someone or something; the subject of the sentence is obligated to do something. The term means “is required to” or “has a duty to”. This term is mandatory.
- (D) The word “must” is mandatory.
- (E) The word “may” is permissive.
- (F) Words defined in this Section may also be defined in Springfield Development Code (SDC) 6.1.100.
- (G) Where words are not defined in this Section, the following sources are consulted: the Springfield Development Code, including specifically SDC 6.1.100; the Metro Plan; State of Oregon Revised Statutes (ORS), State of Oregon Administrative Rules (OAR's); and any dictionary of common usage, all of which will be interpreted by context.

### 6.1.110 Meaning of Specific Words and Terms

#### A

**AASHTO.** American Association of State Highway and Transportation Officials.

**Abutting (or Abut).** Adjoining with a common boundary line. However, where two or more lots or parcels adjoin only at a corner or corners, they are not be considered abutting unless the common property line between the two lots or parcels measures eight feet or more in a single direction.

**Access.** The approved means by which vehicles have ingress and/or egress to an approved lot/parcel or development area.

**Accessory Dwelling Units (ADU's).** A secondary, self-contained dwelling that may be allowed only in conjunction with a detached single-unit dwelling. An accessory dwelling unit is subordinate in size to the primary detached single-unit dwelling. An accessory dwelling unit has its own outside entrance and a separate kitchen, bathroom, and sleeping area. An accessory dwelling may be located within, attached to, or detached from the primary single unit dwelling.

**Accessory Structure.** A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are generally detached from the primary structure. If accessory structures are attached to the primary structure, their structural framework is independent or semi-independent from the primary structure. For example, a porch,

deck, or stairs that have their own footings or foundation are accessory structures even though they may be attached to the primary structure. A balcony that is supported totally by the framework of the primary structure is not considered an accessory structure. Agricultural structures, including, but not limited to, barns, silos, hay sheds, drying sheds, and greenhouses are exempt from the Specific Development Standards of the underlying zoning district when located on land two acres or larger or on any lot/parcel with a valid farm deferral tax classification from the Oregon State Department of Revenue. Notwithstanding this exemption, land use activities conducted on land with agricultural structures must otherwise conform to the list of permitted uses within the underlying zoning district. (See also **Primary Structure; Extension, Architectural; and Incidental Equipment;** in SDC 6.1.100)

**Accessway.** A dedicated easement or right-of-way intended to allow pedestrians and bicyclists convenient linkages, where no public street access exists, to streets, residential areas, neighborhood activity centers, industrial or commercial centers, transit facilities, parks, schools, open space, or trails and paths.

**Adaptive Reuse.** A permitted use of a building that is different from its original or previous use, often involving conversion work involving substantial modifications.

**Adjacent.** Abutting or located directly across a right-of-way.

**Administrative Office.** A building or portion of a building, in which persons are employed in the day-to-day management or direction of a single business or division of that business.

**Agriculture.** The cultivation of tree crops, plants, orchards, pasture, flower, berry and bush crops or the keeping, raising or breeding of livestock or poultry where permitted by the Springfield Municipal Code, 1997, and on any lot/parcel with a valid farm deferral tax classification from the Oregon State Department of Revenue. Agricultural structures, as defined elsewhere in this Code, also is defined as "Agriculture."

**Alley.** A service way providing means of public access to abutting property and not intended for general traffic circulation.

**Alter, Alteration.** A modification in use of a structure that may or may not involve construction. As used in SDC 3.3.900, any construction, erection, remodeling, restoration, reconstruction, removal, or exterior painting affecting the appearance or position of an Historic Landmark Site or Structure within or outside of a designated Historic District.

**Animal Clinic.** A business establishment in which veterinary services are provided to small domestic pets on an out-patient basis with no overnight boarding allowed.

**Animal Hospital.** A place where animals are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

**Appeal.** A request for a review of a final decision by the Director, Planning Commission, or City Council in accordance with applicable procedures, based on the standards of this Code.

**Applicant.** A person submitting an application; the owner of affected property, or the owner's duly authorized representative. The City Attorney may require proof of the sufficiency of the representative's authorization by the owner to act as applicant on the owner's behalf.

**Approval Authority.** The individual or public body which has jurisdiction for making a decision on an application under the provisions of this Code: specifically, the Director, Planning Commission, Hearings Officer, or City Council of the City of Springfield.

**Aquifer.** A geologic formation, group of formations, or part of a formation that is capable of storing and transmitting water in sufficient quantity to supply wells or springs.

**Automobile-dependent.** A use where automobiles and/or other motor vehicles are served by the use and the use would not exist without them, such as vehicle repair, gas station, car wash, or auto and truck sales. Automobile-dependent also includes a drive-up or drive-through that does not have any indoor customer seating.

**Automobile-oriented use.** A use where automobiles and/or other motor vehicles are an integral part of the use, such as drive-up, drive-in, and drive-through facilities. Automobile-oriented drive-up and drive-throughs must have indoor seating. Without indoor customer seating the use is classified as automobile dependent as defined above.

**Automobile wrecking.** The dismantling or disassembling of motor vehicles, including large truck or heavy machinery, or trailers, or the storage, sale salvage, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles, or their parts. An automobile wrecking use includes a wrecking yard. More than two dismantled, obsolete, or inoperable motor vehicles or parts thereof on one lot constitutes a wrecking yard.

## **B**

**Base Flow.** The portion of a stream flow that is not run-off and results from seepage of water from the ground into a channel. The primary source of running water in a stream during dry weather.

**Berm.** A mound of earth used to deflect sound or used as a buffer in landscaping provisions to separate incompatible areas or to provide aesthetic enhancement in site design.

**Bicycle Lane or Bike Lane.** A portion of a street that has been designated, by striping, signage, and pavement markings, for the exclusive use of bicycles.

**Bicycle Parking Space.** A space for one standard bicycle within a lighted and secure bicycle rack, placed in a paved area.

**Bikeway.** Any street, path, or way which in some manner is specifically designated for bicycle travel, regardless of whether the facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

**Block.** An area of land containing one or more lots/parcels surrounded by public or private streets.

**Block Length.** The distance along a public or private street between the centerline of two intersecting streets, including "T" intersections but excluding cul-de-sacs.

**Block Perimeter.** The sum of all block lengths for a given block, also measured as the distance to travel once completely around the block, ending at the starting point as measured from the centerline of the street.

**Bond, Performance or Security.** Collateral security for the performance of a specific action or duty imposed by the City.

**Buildable Area of a Lot/Parcel.** The area of a lot/parcel enclosed within the setback boundaries, exclusive of easements.

**Building.** Any structure used or intended for sheltering any use or occupancy.

**Building Board of Appeals.** A board appointed in accordance with Section 2.500 to 2.574 of the Springfield Municipal Code, 1997, to hear requests for alternate building methods/materials.

**Building Envelope.** That portion of a lot/parcel that has no development restrictions where the placement of driveways and structures can be established. The building envelope does not include the area of any required setbacks, tree protection plans, conservation zones or other protected areas as authorized by a limited land use decision.

**Building footprint.** As applicable to Cottage Cluster Housing development the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches, or projections; or ramps and stairways required for access.

**Building Height.** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the gables of a pitched or hipped roof. The maximum height of a stepped or terraced building is the maximum height of all segments of that building. The reference datum is, which either of the following of the 2 measurements that results in the greater building height.

- (1) The reference datum is the lowest grade when the highest ground surface within a 5-foot horizontal distance of the exterior wall is not more than 10 feet above the lowest grade.
- (2) The reference datum is 10 feet higher than the lowest grade when the ground surface described in A, above is 10 feet above the lowest grade.

**Building Official.** The person responsible for the administration and enforcement of the Building Safety Code

**Building Permit.** Written permission issued by the Building Official that construction may commence in accordance with this Code and the Building Safety Codes.

**Building Safety Codes.** A book of codes including the Springfield Building Code Administrative Code, the Structural Specialty Code, the Mechanical Specialty Code, the Electrical Specialty Safety Code, and the Plumbing Specialty Code.

**Build-To Line.** A line parallel to the property line that prescribes a consistent plane of building façades along a public street and in certain circumstances, alley frontages. The build-to line provides predictable results in the urban form by requiring a set location for the buildings as opposed to the range of possible locations that a minimum setback allows. The build-to line can be adjusted by utilizing maximum building setbacks.

**Burden of Proof.** The duty of producing evidence or establishing a given proposition to establish that the party seeking affirmative relief or action is entitled to relief or action by the applicable ordinances and statutes.

**Business Park.** A development on one or more lots/parcels under common ownership with 2 or more separate buildings to accommodate light industrial uses, including, but not limited to, office research and development, manufacturing, assembly, warehousing and distribution, large administrative headquarters, and other professional and administrative uses. Light industrial uses permitted within the business park have no significant potential for major pollution, adverse visual impacts, or nuisance or hazard factors; and are planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, off-street parking, utility needs, building design and orientation and open space, landscaping, noise control, outdoor storage and other site improvements as may be required by this Code.

## **C**

**Calendar Day.** Any day of the year, including official City holidays and weekends. If any effective date or deadline falls on a weekend or holiday, the date or deadline will be effective on the next City working day.

**Cannabinoid.** Any of the chemical compounds that are the active constituents of marijuana.

**Cannabinoid Concentrate.** A substance obtained by separating cannabinoids from marijuana by:

- (1) A mechanical extraction process; or
- (2) A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol.

**Cannabinoid Edible.** Food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.

**Cannabinoid Extract.** A substance obtained by separating cannabinoids from marijuana by:

- (1) A chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane;
- (2) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses heat or pressure; or
- (3) Any other process identified by the commission, in consultation with the authority, by rule.

**Cannabinoid Product.** A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair that contains cannabinoids or dried marijuana leaves or flowers.

**Carport.** A roofed accessory structure providing parking space which is open on two or more sides.

**Certificate of Occupancy.** A document issued by the Building Official allowing the occupancy or use of a structure and demonstrating that the structure or use has been constructed in compliance with all applicable City codes and ordinances.

**Change of Use.** A change from one land use category to another land use category.

**Child Care Center.** As defined in ORS 329A.440.

**Church.** See "Place of worship".

**City.** The City of Springfield.

**City Council.** The Springfield Common Council.

**City Engineer.** An Oregon Registered Professional Engineer who is an officer of the City and is charged with the supervision and construction of public improvements and the enforcement of City ordinances as they relate to public improvements, or a duly authorized representative.

**City Surveyor.** An Oregon Registered Professional Land Surveyor who is charged with conducting surveys of City facilities and with the enforcement of certain City ordinances and State statutes as they relate to subdivision and partitioning of land.

**Clinic.** A facility consisting of single or multiple offices where a group of medical, allied health professions and alternative caregivers provide diagnosis, care, and treatment of persons primarily on an outpatient basis.

**Club.** An association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

**Commercial Use** – the use of land involving buying or selling of goods or services as the primary activity.

**Common Courtyard.** A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

**Common Wall.** A wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.

**Community Park.** A park, normally between 15 and 100 acres in size, which provides a variety of moderate density use recreation and/or cultural opportunities and is centrally located for citizens of the community and immediate outlying areas.

**Conceptual Street Map.** A map adopted into the Transportation System Plan depicting existing and future multi-use path and arterial and collector street alignments.

**Condominium.** A form of ownership that is regulated in part by ORS 100.005 et seq. that may be applied to any dwelling type. Existing and new dwellings may be converted to condominium ownership; however, new dwellings must comply with the development standards specified in this Code for the particular type of dwelling.

**Congregate Care Facility.** A building serving more than 15 elderly or infirm persons where daily meals are provided outside of each individual dwelling unit, on-site nursing facilities are available and the majority of residents do not own automobiles.

**Construction Activity.** Includes, but is not limited to, clearing, grading, excavation, and other site preparation work related to the construction of buildings, and heavy construction (for example, highways, streets, bridges, tunnels, pipelines, transmission lines and industrial non-building structures)

**Convenience Store.** A small grocery typically open extended hours.

**Corporate Headquarters.** A building or portion of a building in which persons are employed in the management or direction of a business consisting of one or more divisions or groups of companies. To be considered a corporate headquarters, the business must meet the applicable employee threshold specified elsewhere in this Code. Businesses that do not meet the applicable employee threshold are considered an administrative office.

**Cottage.** An individual dwelling unit that is part of a cottage cluster.

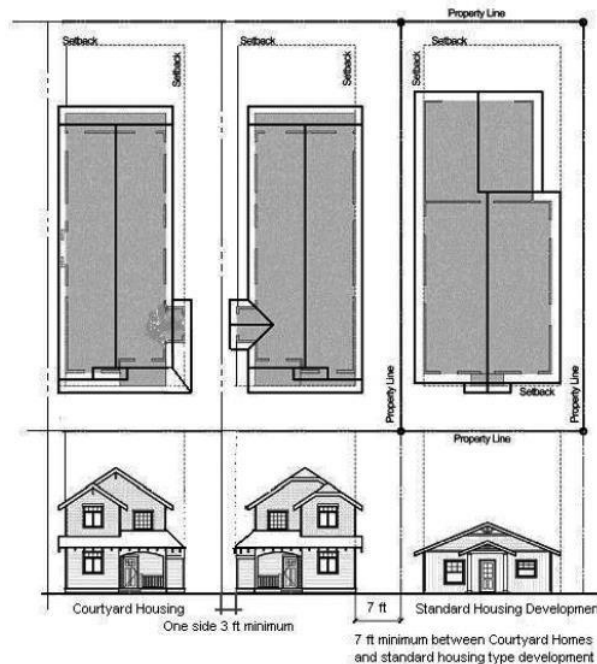
**Cottage Cluster.** A grouping of no fewer than four dwelling units per gross acre, each with a footprint of less than 900 square feet that includes a common courtyard. Cottage Cluster units may be located on a single Lot or Parcel, or on individual Lots or Parcels. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood”.

**Cottage Cluster Project.** A development area with one or more cottage clusters. Each cottage cluster that is part of the cottage cluster project must have its own common courtyard.

**Courtyard.** An open, unoccupied space other than a required exterior yard, which usually provides amenities such as gardens, planters, seating, or art.

**Courtyard housing.** Detached “zero lot line” dwellings on individual lots subject to the same standards as detached single unit dwellings, except that a three-foot minimum side yard setback is required on one side of a typical lot. This type of housing allows development on smaller (i.e., narrower) lots and provides usable outdoor living area in side-oriented yards.

**Figure 6.1-A. Courtyard housing**





**Cul-de-Sac.** A short local street which has one end open to traffic and is terminated by a vehicle turn around, the cul-de-sac bulb.

**Cultivation or Cultivate.** All phases of growth of marijuana from seed to harvest.

**Curb.** The raised concrete border along the edge of a street or paved area.

**Curb Cut.** The opening along the curb line at which point vehicles may enter and/or leave the public street.

**Cut.** A portion of land surface from which earth is removed by excavation; the depth below the original ground surface or excavated surface.

## **D**

**Dance Hall.** Any place of business whose primary function is dancing.

**Dbh.** The diameter of a tree measured 4-1/2 feet above the ground at the base of the tree.

**Dedication.** The transfer of property interests from private to public ownership for a public purpose.

**Delineation.** (From Oregon Health Department rules): The determination of the extent, orientation, and boundaries of a wellhead protection area using factors, for example: geology, aquifer characteristics, well pumping rates, and time of travel.

**Demolition.** Razing, destroying, dismantling, defacing, or in any other manner causing partial or total ruin of a Structure.

**De Novo.** A hearing where new evidence may be provided, distinguished from a hearing based solely on an existing record.

**Density, net.** The number of dwelling units for each acre of land in residential use, excluding: dedicated streets; dedicated parks; dedicated sidewalks; and other public facilities.

**Density, gross.** The number of dwelling units for each acre of land including, but not limited to, areas devoted to streets, parks, sidewalks, and other public facilities.

**Design Standard.** A standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.

**Designated Beneficial Use.** The purpose or benefit to be derived from a watercourse. For the Willamette and McKenzie Rivers and all other streams and tributaries, the

following beneficial uses apply: Public domestic water supply, private domestic water supply, industrial water supply, irrigation, live stock watering, anadromous fish passage, salmonid fish rearing, salmonid fish spawning, resident fish and aquatic life, wildlife, fishing, boating, water contact recreation aesthetic quality and hydro power (excluding the Willamette River).

**Developable Acre.** 43,560 square feet of land that can be developed that includes common open space or recreational facilities reserved for the use of residents in a development, but excludes public property, including, but not limited to, parks and dedicated streets. At the request of the developer, the Director may exclude portions of the site that cannot be developed due to physical constraints, including, but not limited to, natural resources that are listed within a local inventory.

**Development.** Any human-made change to improved or unimproved real estate, including, but not limited to, a change in use; construction, installation or change of a structure; subdivision and partition; establishment or termination of a right of access; storage of materials, equipment, or vehicles on the land; drilling and site alteration due to land surface mining, filling, grading, dredging, paving, excavation or clearing of trees and vegetation. Agricultural uses (including agricultural structures), when otherwise permitted by the base zoning district, are exempt from this definition. As used in SDC 3.4.280(C), any activity within the Glenwood Riverfront portion of the Willamette Greenway Overlay District that would alter the elevation of the land; remove or destroy plant life; cause structures of any kind to be installed, erected, or removed; or result in a measurable change of any kind.

**Development and Public Works Department.** The department responsible for the administration of this Code and the implementation of the Metro Plan within Springfield's Urban Growth Boundary.

**Development Approval.** Approval granted by the Director for a development which is in compliance with this Code and the Metro Plan and precedes the issuance of a Building Permit.

**Development Area.** The area subject to any application required by this Code.

**Development, Phased.** A project that is developed incrementally, with each phase capable of functioning independently of the others.

**Development Review Committee.** City staff, representing each affected division and department of the City, and affected agencies and utility providers that meet on a regular basis to review land use requests and development proposals.

**Direct Tributary to a Water Quality Limited Watercourse.** A direct tributary to a Water Quality Limited Watercourse (WQLW) is one that flows directly into a WQLW, excluding those watercourses that flow into the WQLW as a piped connection, where the pipe system extends more than 200 feet upstream of the connection point or is one that is a diversion from a WQLW and that discharges into either a WQLW or other direct tributary to a WQLW and where the water quality of the diverted flow at the discharge point has been degraded when compared with the water quality at the diversion point.

**Director.** The Development and Public Works Director or the duly authorized representative who is responsible for the administration and interpretation of this Code.

**Discretionary Use.** Any use not permitted outright in a particular zoning district because of its potentially incompatible characteristics requiring review by the Planning Commission or Hearings Official to determine whether that use should be permitted, and if so, adding any conditions of approval necessary to ensure compatibility with adjacent uses.

**DNAPL, Dense Non-Aqueous Phase Liquids.** A group of hazardous materials that are denser-than-water (specific gravity greater than one), have low solubility rate, and degrade slowly to other compounds that are even more of a health hazard. For the purpose of Springfield's drinking water protection, DNAPL chemicals are defined as "all chemicals displaying the characteristics of a DNAPL chemical or a material containing a substance considered a DNAPL chemical." A list of DNAPLs regulated within the Drinking Water Protection Overlay District must be as adopted by SUB on November 10, 1999.

**Door area.** The area of the portion of a door other than a garage door that moves and does not include the frame.

**Downtown Exception Area.** An area defined by the Willamette River on the west, 8th Street on the east, the alley between north B and north C Streets on the north, and a line north of the Southern Pacific Railroad tracks on the south.

**Downtown Planning Area.** The area under the jurisdiction of the Springfield Downtown Refinement Plan that includes Springfield's traditional Downtown area and the Booth-Kelly redevelopment area.

**Drainage Way.** A natural or constructed watercourse which has the specific function of transmitting stream water or storm run-off water from a point of high elevation to a point of low elevation which convey significant seasonal concentrations of water over the surface of the land.

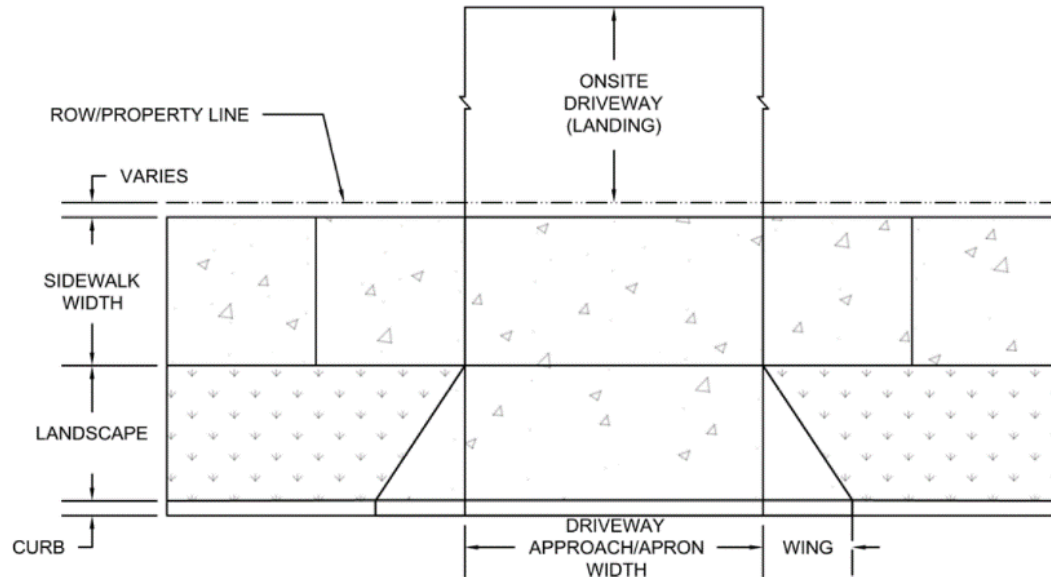
**Dripline.** A roughly circular land area measured beneath a tree. The approximate center of the area is the trunk of the tree, and the radii are equal to the horizontal measures of the longest branches.

**Drive-Through Business.** An establishment that sells products or provides services to occupants in vehicles where payment is made and the product or service is picked up at a drive-up window. This use includes, but is not limited to, the operation of drive-up or a drive-through service at a restaurant, bank or financial institution, personal services, and retail sales (e.g., pharmacy).

**Driveway.** A vehicular access that provides connection between a structure or parking area on private property and the public street system. "Driveway" may include a private easement to provide vehicular access to more than two or more properties.

**Driveway Approach.** The edge of a driveway where the driveway abuts a public right of way, including the approach wings (see figure 6.1-B below).

**Figure 6.1-B. Driveway approach**



**Driveway, Curb Return.** A driveway defined on both sides by a full height curb.

**Driveway, Joint Use.** A driveway serving two or more properties.

**Driveway, Standard Driveway.** A driveway created by depression of the street curb at its approach.

**Drop-Off Space.** A paved, clearly marked short-term (less than 20 minutes) parking space, generally within 50 feet of a main building entrance, separated from required parking for staff and long-term visitors.

**DSL.** The Oregon Department of State Lands.

**Duplex.** Two dwelling units on one lot or parcel in any configuration. Units may be attached vertically or horizontally or detached.

**Dwelling Unit (Dwelling or unit).** A single unit providing complete independent living facilities for one or more persons, including a kitchen and permanent provisions for living, sleeping, and sanitation.

## E

**Easement.** An interest in property owned by another that entitles its holder to a specific limited use or enjoyment of that property.

**Elevation.** The term is based on context and is either: a vertical distance above or below a fixed reference level; or a particular side of a building.

**Emergency Shelter.** The use of a church, school, motel, hotel, or other structure for housing the homeless on a short-term basis due to a natural disaster or other reason.

**Endangered Species Act (ESA).** A Federal law established in 1973 that provides significant protection for various species of fish, wildlife and plants facing extinction that are listed as needing protection.

**Engineer.** A Registered Professional Engineer, licensed by the State of Oregon to practice in a specific branch of engineering.

***Engineering Design Standards and Procedures Manual (EDSPM).*** A document containing design standards and procedures prepared by the Public Works Department and adopted by resolution of the City Council. These standards and procedures are applicable to public and private improvements and allow City staff to provide certainty to developers and consultants to ensure safe, efficient, and cost effective transportation, sanitary sewer, and stormwater management system projects within the City and its Urban Growth Boundary.

**Excavation.** The mechanical removal of earth material.

**Exempt Tree or Vegetation.** The full height and breadth of vegetation that the Director has identified as "solar friendly" as specified in this Code; and any vegetation listed on a plat map, a document recorded with the plat, or a solar access guarantee as exempt.

**Ex Parte, Communication.** A communication made at the instance of, or for the benefit of one party without notice to, contest by, or at least without an opportunity to be heard being given to other parties who will be bound or directly affected by the communication.

**Ex Parte, Proceeding.** An action taken at the instance or benefit of one side only without notice to, contest by, or without the opportunity to be heard by other parties who will be bound or directly affected by the proceeding.

**Extension, Floor Area.** An increase in the amount of floor area within an existing building.

**Extension, Architectural.** Architectural appendages, including, but not limited to, cornices, eave overhangs, porches and balconies extending beyond an exterior wall of a building. (See also Accessory Structure.)

**Exterior.** Any portion of the outside of a Structure.

## **E**

**Family Child Care Home.** As defined in ORS 329A.440.

**FCC.** The Federal Communications Commission; the Federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable.

**Fell.** To remove or cut a tree or the intentional use of any procedure, the natural result of which is to cause the death or substantial destruction of the tree. Fell does not include normal trimming, or pruning of trees.

**Fence.** A structure which serves as an enclosure, barrier or screen that is not part of a building.

**Fence, Sight Obscuring.** A fence which screens an area or object, including, but not limited to, solid wood or metal fences or slatted chain link fences.

**Fill.** Sand, gravel, earth, or other approved materials of any composition placed or deposited on the earth's surface by humans.

**Final Map.** The finished drawing of the survey of a property line adjustment containing information necessary to comply with this Code and requirements resulting from review of the Preliminary Plan.

**Final Site Plan.** The plan containing information necessary to comply with this Code and requirements resulting from review of the Preliminary Site Plan to which all construction improvements must conform.

**Final Survey.** The recorded survey of a property line adjustment containing information necessary to comply with this Code and any conditions of approval resulting from review of the Preliminary Survey.

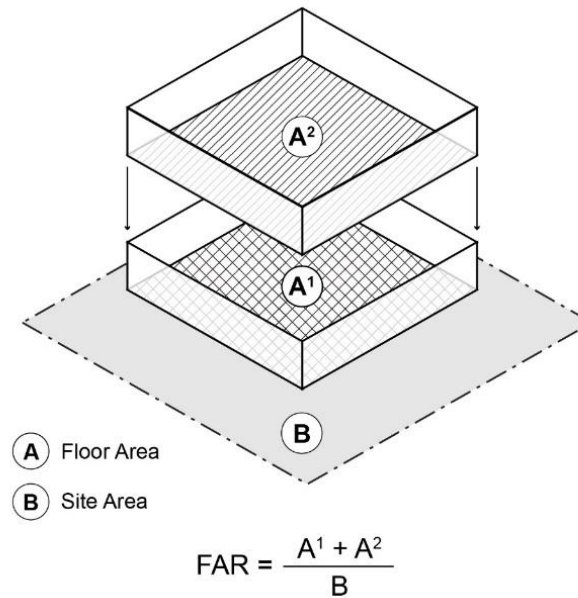
**Finance Department.** The Springfield Finance Department.

**Finding.** A written statement of facts, reasoning in support of conclusions, and determinations based on the evidence presented in relation to adopted criteria that are accepted by the Approval Authority in support of a decision.

**Floor Area.** The enclosed area of each full floor area a building measured to the external face of the external walls.

**Floor Area Ratio (FAR).** The amount of floor area of a building or structure in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 0.7 to 1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of building by the total site area. See Figure 6.1-C

#### **Figure 6.1-C. Floor Area Ratio**



**Fourplex.** Four dwelling units on one lot or parcel. Units may be attached vertically or horizontally or detached.

**Fraternal Organization.** A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals, and formal written membership requirements.

**Frequent Transit Corridor.** Arterial and collector roadways forming a Frequent Transit Network, as identified in the adopted Springfield Transportation System Plan, representing the highest order of transit service along major thoroughfares within the City. Characteristics of Frequent Transit Network corridors include but are not limited to: 10-15 minute transit frequency during peak travel times, a well-connected street and transit network providing circulation integrated with pedestrian and bicycle connections, support and compatibility with urban design goals for development along the corridors, geographically equitable coverage serving populations protected by Title VI of the 1964 Civil Rights Act, and high-quality transit station amenities.

**Front Façade.** The façade with the main entry door and front porch or recessed entry.

**Frontage.** That portion of a lot or parcel that abuts a dedicated public alley, street, or highway or an approved private alley, street, or shared court private access drive.

**Future Development Plan.** A line drawing (required for some land division proposals, or building permits in the City's urbanizable area) that includes the following information: the location of future right-of-way dedications based on the Springfield Transportation System Plan (including the Conceptual Street Map); block length and lot/parcel size standards of the SDC; a re-division plan at a minimum urban density established in this Code based on the existing Metro Plan designation of the property for any lot/parcel that

is large enough to further divide; and the location of hillsides, riparian areas, drainage ways, jurisdictional wetlands and wooded areas showing how future development will address preservation, protection or removal.

## **G**

**Garage.** A completely enclosed accessory building or portion of a main building intended for the parking of motor vehicles.

**Garage, Repair.** A building used for the repair of motor vehicles, including body and fender work, painting, or engine and transmission overhaul.

**Garbage and Recycling Area.** A place where waste containers, including compactors, dumpsters, and garbage cans, are stored. Waste storage includes, areas used to collect and store refuse or recyclable materials. Exempt from this subsection are waste storage areas for detached Single-unit Dwellings, middle housing types, and areas used for the temporary storage of wood pallets or cardboard.

**Grade.** The degree of rise or descent of a sloping surface.

**Grade, Average Finished.** The average finished ground level at the midpoint of all walls of a building. Where walls are parallel to and within five feet of a sidewalk, alley or public way, the ground level is measured at the elevation of the sidewalk, alley, or public way.

**Grade, Finished.** The final elevation of the surface following completion of any excavation or fill placement.

**Grading.** Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

**Gross Acre/Gross Acreage.** A measurement of land that occurs before public streets or other areas reserved for public use are deducted from that land.

**Gross Density.** See "Density, gross".

**Gross Floor Area.** The total floor area of a building including areas used exclusively for the service of a building; for example: mechanical equipment spaces and shafts; elevators; stairways; escalators and ramps; public restrooms; and enclosed loading docks or ramps.

**Ground Cover.** Grasses or nursery plants cultivated to keep soil from being blown or washed away.

## **H**

**Hazardous Materials.** Those chemicals or substances which are physical or health hazards as defined and classified in the most recently adopted or amended Fire Code by the City, whether the materials are in usable or waste condition.



**Hazardous Waste.** Consistent with the Federal Resource Conservation and Recovery Act, a waste or a combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in serious irreversible illness or pose a substantial present or potential hazard to human health, safety, welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed; however, not to include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or by product material as defined by the Atomic Energy Act of 1954.

**Hearings Authority.** An individual or group designated to hear Type 3 applications for land use decision.

**Hearings Officer.** An individual designated to hear Type 3 applications for land use decisions and code enforcement matters outside the City limits, and the referee designated to hear appeals of expedited land divisions and middle housing land divisions as provided in ORS 197.375.

**Heliport.** An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities, for example: parking, waiting room, fueling and maintenance equipment.

**Helistop.** A heliport, but without auxiliary facilities, for example: parking, waiting room, fueling and maintenance equipment.

**High Impact Facility.** A public or semi-public facility which serves development and which requires pre-planning or discretionary approval and special design features to mitigate land use conflicts, including, but not limited to, visual, olfactory, or auditory impacts.

**Highway Ready.** Reference to a recreational vehicle that is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**Hillside Area.** Any area in which the average slope exceeds 15 percent.

**Historical Commission.** The Springfield Historical Commission.

**Historic Site.** A structure or place of historic and cultural significance and designated accordingly by the City, State or Federal Government.

**Historic Landmark District.** A geographic area designated in accordance with this Code which includes Historic Landmark Sites or Structures.

**Historic Landmark Inventory.** A list of sites or structures which have been designated "Historic Landmark" in accordance with this Code.

**Historic Landmark Site or Structure.** A building, structure, object, site, or geographic area, within the city limits and the City's urbanizable areas, within or outside of a designated Historic Landmark District, which has been listed on the Historic Landmark Inventory.

**Homeowner's Association.** A non-profit association governed by a declaration of protective restrictions, conditions, covenants, and charges made by the developer through which each lot/parcel owner or other described land area owner of a development is automatically subject. The purpose of the homeowner's association is to provide reasonable rules and regulations to enforce the covenants and restrictions and to keep, control, and maintain the common properties within the development. The association also provides for the assessment procedure to assure necessary funds. If the property is to be developed in phases, all phases must belong to the same association. The City Attorney must review drafts of the declaration prior to Final Plat approval.

**Hospital.** A facility consisting of one or more buildings where health practitioners, allied health professions and alternative caregivers provide diagnosis, care and treatment of persons including convalescence and care during and after pregnancy, or for any other reason, where patients may be admitted for short-stay, day surgery, emergency service or overnight stay, or for a longer period.

**Hotel.** A building, not including a building designed or arranged as a single unit dwelling, in which lodging is provided to guests for compensation, consisting of a lobby and individual sleeping quarters, typically without cooking facilities, with separate entrances opening directly to an internal hallway. Parking may be on-site or in a separate parking structure.

**Hybrid Multi-Way Boulevard.** A street design that accomplishes the fundamental goal of vehicular through traffic movement including transit facilities and also creates a pedestrian-friendly environment by providing slip lanes for local traffic, on-street parking, safe pedestrian and bicycle facilities, and by locating buildings closer to or at the right-of-way line.

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**Impervious Surface.** Any surface that either prevents or delays the infiltration of water into the soil as it entered under natural conditions preexistent to development, and/or a surface area that causes water to run off the surface in greater quantities or at an increased rate of flow than prior to development. Common impervious surfaces include: building roofs; traditional concrete or asphalt paving on walkways, driveways, parking lots, gravel lots and roads; and heavily compacted earthen materials.

**Improvement Agreement.** A written agreement, executed by the property owner in consideration for the City deferring the construction of public improvements required for the development.

**Incidental Equipment.** Rooftop or pole mounted structures that cast insubstantial shadows or have minimal visual impact, including, but not limited to: antennas,

chimneys, solar collectors, small satellite dishes and flagpoles, but excluding large satellite dishes. (See also Accessory Structure.)

**Increase in Impact/Increased Impact.** This definition includes, but is not limited to, additional traffic or noise generation, additional run-off or increase in impervious surface, additional shadow casting or diminished views, additional air or water borne pollution, additional hours of operation, or an increase in the risk of fire or structural hazard as the result of development.

**Incubator Development.** Facilities that accommodate new business establishments spun-off from the research, development, and testing laboratories of a major institution, a related institution, or larger high- or bio-technology industry. If on-site manufacturing or production capabilities are included within an incubator development, the establishment will be classified as an industrial use.

**Industrial Park.** A development on one or more lots/parcels under common ownership with two or more separate buildings that are designed, constructed, and managed on an integrated and coordinated basis. Industrial parks are intended to accommodate heavy industrial uses as primary uses and office research and development, light manufacturing, light assembly, warehousing and distribution, large administrative headquarters, and other professional and administrative uses as secondary uses.

**Infill.** The development of vacant, bypassed lands located in an area that is mainly developed.

**Infill, residential:**

- (1) The development of up to four dwellings on land that is designated for residential use where at least 75 percent of the abutting properties have a structure, but not counting any abutting property that is large enough that it can be divided into five or more lots or is currently developed with multiple unit housing.
- (2) A situation in which a single unit dwelling is removed to make way for up to four new dwellings (e.g., a single unit dwelling, duplex, triplex, or fourplex).
- (3) "Residential infill" does not apply to land that is large enough that it can be divided into five or more lots consistent with the minimum lot size of the land use district.

**Invasive Plants.** Non-native plants that spread quickly, are highly competitive and difficult to control or eliminate. Introduced intentionally or accidentally through human actions and spread by seed, by birds, by wind, or vegetatively, these exotic plants can destroy native plants, choke waterways, degrade recreational areas and necessitate costly maintenance. The Invasive Plants List is a listing of plants that the City considers undesirable for use in landscaping within its jurisdiction.

**Inventoried Natural Resource.** Any scenic areas, water areas, vegetation, wildlife and wildlife habitat that appears in an adopted Metro Plan Inventory.

**Joint Use Access Agreement.** A legally binding agreement between two or more property owners describing the rights and responsibilities of each owner regarding the use of a shared access to a public street.

## **K**

**Kennel.** Any premises on which three or more dogs over the age of 6 months are housed, groomed, boarded, trained, or sold for compensation.

**Kitchen.** Any indoor habitable area designed or used for preparation or cooking of food, and including any three or more of the following: a sink larger than 18 inches by 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven.

## **L**

**Land and Drainage Alteration Permit (LDAP).** A City permit for any fill, grading and excavation that is required before any site preparation work can begin.

**Landscape Architect.** A person registered with the State of Oregon to practice Landscape Architecture.

**Landscaping.** The term "landscaping" includes, but is not limited to, vegetative ground cover, grass, shrubs, trees, flowers and garden areas, ornamental concrete or stonework areas, permanent outdoor furniture and permanent irrigation. "Landscaping" also includes retention or reintroduction of native vegetation.

**Land Use Decision.** A final decision or determination made by the Approval Authority that concerns the adoption, amendment, or application of the Statewide Planning Goals; a Metro Plan or refinement plan provision; a land use regulation; or new land use regulation. This definition does not include a decision which does not require interpretation or the exercise of factual, policy, or legal judgment; approves, approves with conditions, or denies a subdivision or partition; or approves or denies a building permit.

**LEED (Leadership in Energy and Environmental Design).** A nationally accepted benchmark for the design, construction, and operation of high-performance, energy-efficient buildings.

**Light Industrial Manufacturing.** The secondary processing of previously prepared materials into components or the assembly of components into finished products. In the Campus Industrial District this use is divided into categories as follows based upon the number of employees at occupancy: large-scale means 50 or more employees; medium-scale means 20—49 employees; small-scale means fewer than 20 employees per business. These thresholds are applicable at the time of new development. In the case of redevelopment, the Director may reduce these thresholds if the applicant submits a business plan stating that the threshold can be met by a date certain.

**Linear Park.** A public or private park that provides public access to trail-oriented activities, which may include walking, running, biking, or skating, and preserves open

space. A linear park consists of a multi-use path, pedestrian trail, or bikeway, and related facilities.

**Listed Species.** The Endangered Species Act provides for listing plant and animal species into the following categories: Listed Endangered Species and Listed Threatened Species. An endangered species is an animal or plant listed by regulation as being in danger of extinction. A threatened species is any animal or plant that is likely to become endangered within the foreseeable future.

**Live/Work Unit.** An integrated dwelling unit and working space that is occupied and utilized by a single housekeeping unit in a structure that has been modified or designed to accommodate joint residential occupancy and work activity. The live/work unit must include complete kitchen and sanitary facilities in compliance with applicable building standards. The working space must be reserved for and regularly used by one or more occupants of the unit (e.g., professionals, entrepreneurs, and artists), in addition to any other employees. The commercial/employment use must be allowed only as permitted by the applicable zoning district.

**Loading Space.** An off-street space or berth serving a business for the temporary parking of commercial vehicles while loading or unloading, while not block driveway aisles and having an appropriate means of ingress and egress.

**Lot.** A portion of land shown as part of a recorded subdivision or any area of land described by metes and bounds in a recorded deed, record of survey or other appropriate document, recorded in the office of the County Recorder that complies with the provisions of the State of Oregon and this Code. Unless specifically exempted, land that is divided or reconfigured without having been approved in accordance with this Code cannot be deemed a buildable lot.

**Lot Coverage.** The area of a lot, parcel, property, or development area covered with a structure excluding up to 18-inch eave overhangs.

**Lot/Parcel, Corner.** A lot/parcel abutting two or more streets at their intersection, in which the interior angle formed by the extensions of the street lines is 135 degrees or less. In the event that any street line is a curve at its point of intersection with a lot/parcel line other than a street line, the tangent of the curve at the point is considered the direction of the street line.

**Lot/Parcel Depth.** The distance from the midpoint of the front lot/parcel line to the midpoint of the rear lot/parcel line.

**Lot/Parcel Dimension, North-South.** The length of a line beginning at the midpoint of the northern lot/parcel line and extending in a southerly direction perpendicular to the northern lot/parcel line until it reaches a property boundary.

**Lot/Parcel Frontage.** That portion of a lot/parcel which abuts a street. For the purpose of determining yard requirements, all sides of a lot/parcel abutting a street is considered frontage.

**Lot/Parcel, Interior.** A lot/parcel other than a corner lot/parcel and having frontage on only one street.

**Lot/Parcel Line.** A line of record bounding a lot/parcel which divides one lot/parcel from another or from a public or private street or any other public space.

**Lot/Parcel Line, Front.** The lot/parcel line abutting a street right-of-way. Where more than one lot/parcel line abuts street right-of-way, the property address determines the front lot/parcel line. For purposes of the solar access standards, it is the lot/parcel line abutting a street. For corner lots/parcels, the front lot/parcel line is that with the narrowest frontage. When the lot/parcel line abutting a street is curved, the front lot/parcel line is the chord or straight line connecting the ends of the curve. For a panhandle lot/parcel, the front lot/parcel line is the lot/parcel line that is most parallel to and closest to the street, excluding the handle portion of the lot/parcel.

**Lot/Parcel Line, Northern.** The lot/parcel line that is the smallest angle from a line drawn true east-west and intersecting the northernmost point of the lot/parcel, excluding the handle portion of a panhandle lot/parcel. If the north line adjoins an un-developable area other than a required yard area, the northern lot/parcel line is at the north edge of the un-developable area. If two lot/parcel lines have an identical angle relative to a line drawn true east-west, then the northern lot/parcel line is a line 10 feet in length within the lot/parcel parallel with and at a maximum distance from the front lot/parcel line.

**Lot/Parcel Line, Rear.** The lot/parcel line which is opposite and most distant from the front lot/parcel line. For a triangular shaped lot/parcel, the "rear lot/parcel line" is a line 10 feet in length entirely within the lot/parcel, connecting the side lot/parcel lines, which is parallel to the front lot/parcel line or parallel to the chord of a curved front lot/parcel line.

**Lot/Parcel Line, Side.** Any lot/parcel line other than a front or rear lot/parcel line.

**Lot/Parcel, Minimum Area of.** The smallest lot/parcel area established by this Code on which a use or structure may be located in a particular district.

**Lot/Parcel, Panhandle.** A lot/parcel which has access to a public right-of-way by means of a narrow strip of land, commonly known as the "panhandle" or "handle."

**Lot/Parcel, Pan Portion.** The portion of a panhandle lot/parcel, exclusive of the handle, on which a structure may be placed.

**Lot/Parcel, Through.** A lot/parcel which fronts upon two streets which do not intersect at the boundaries of the lot/parcel.

**Lot/Parcel Width.** The horizontal distance between the midpoints of the side lot/parcel lines. The handle of a panhandle lot/parcel is not included when computing lot/parcel width.

**Low Impact Facility.** Any public or semi-public facility that has minimal olfactory, visual or auditory impacts which is permitted subject to the design standards of this Code.

## **M**

**Maintain.** To continue in existence; to preserve and care for a development area so that it remains attractive and functional in accordance with the provisions of this Code.

**Maintenance Inspection.** A site inspection that identifies precisely what must be done to a development previously approved by the City in order to comply with standards and conditions in effect when the development was originally approved.

**Major Electrical Transmission Line.** An electrical transmission line which carries 115 KV or more of electricity.

**Mall.** A shopping center where stores front on both sides of a pedestrian way which may be enclosed or open.

**Manufactured Dwelling.** A residential trailer, mobile home, or manufactured home.

(1) **Residential Trailer.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and was constructed before January 1, 1962.

(2) **Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

(3) **Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, and was constructed on or after June 15, 1976 in accordance with federal manufactured housing construction and safety standards in effect at the time of construction.

**Manufactured Dwelling Park.** Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot/parcel or tract under the same ownership, the primary purpose of which is to rent space to any person for a charge or fee paid or to be paid for the rental use of facilities or to offer space free in connection with securing the trade or patronage of the person. Manufactured dwelling park does not include a lot located within an approved subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

**Manufactured Dwelling Pad.** A paved space in a manufactured dwelling park for the placement of a manufactured dwelling that includes utility connections.

**Manufactured Dwelling Space.** Any portion of a manufactured dwelling park which is designated or used for occupancy of one manufactured dwelling, including its accessory

structures and its outdoor living areas, but exclusive of space provided for the common use of tenants for example, roadways and guest parking.

**Manufactured Dwelling Space Line.** A line within a manufactured dwelling park which establishes setback distances from streets, accessory buildings or structures and other manufactured dwellings.

**Marijuana.** The plant Cannabis family Cannabaceae, any part of the plant of the Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. "Marijuana" does not include industrial hemp, as defined in ORS 571.300.

**Marijuana Business.** Any person or entity appropriately licensed by the Oregon Health Authority or the Oregon Liquor Control Commission that sells, produces, cultivates, grows, wholesales, processes, researches, develops, or tests medical marijuana or recreational adult use marijuana within the City of Springfield.

**Marijuana Grow Sites.** A specific location registered by the Oregon Health Authority and used by the grower to produce marijuana for medical use by a specific patient.

**Marijuana Items.** Marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

**Marijuana Processing.** The preparing, compounding, testing or conversion of marijuana into cannabinoid products, cannabinoid concentrates, and cannabinoid extracts for medical or recreational purposes.

**Marijuana Production.** The manufacture, planting, cultivation, growing, or harvesting of marijuana as licensed by the Oregon Liquor Control Commission or Oregon Health Authority.

**Marijuana Retailer.** A person or entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to sell marijuana items to a consumer in this state.

**Marijuana Retail Outlet.** A business location that sells marijuana items to a consumer or patient.

**Marijuana Testing Laboratory.** A laboratory that tests marijuana items for producer, processor, wholesaler or retail outlets.

**Marijuana Wholesaler.** A person or entity that purchases marijuana items in this state for resale to a person other than a consumer.

**Market Area.** The geographic area from which a particular use can reasonably expect to attract customers.

**Medical Marijuana Dispensary.** A medical marijuana facility or entity registered with the Oregon Health Authority under ORS 475.300.



**Metro Plan/Eugene-Springfield Metropolitan Area General Plan.** The general land use plan and policies for the Eugene/Springfield metropolitan area including any subordinate refinement plan or functional plan. The controlling land use document for urban, urbanizable and rural land under the jurisdiction of the Metro Plan.

**Mid-Block Connector.** A narrow street and/or a bicycle/pedestrian corridor not less than 20 feet in width that reduces larger blocks to more walkable dimensions (250 to 350 feet maximum). A mid-block connector may be a public right-of-way or privately owned and may include active use frontages with overlooking windows and pedestrian-level lighting. Limited service or parking access to the interior of a block is encouraged. On-street public parking may be provided, where feasible. Sidewalks may be located on each side of a two-way street or on one side for a one-way street. A non-vehicular connector must be designed as a "24-7" publicly accessible bicycle/pedestrian way.

**Middle Housing.** Duplexes, triplexes, fourplexes, cottage cluster housing, and townhomes.

**Minerals.** Includes soil, coal, stone, crushed hard rock quarry products, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits. "Minerals" do not include loam, sand, gravel or other aggregate materials created and/or deposited by water movement.

**Minimum Level of Key Urban Services.** The minimum level of facilities and services that are provided to an area in an orderly and efficient manner to allow urban development to occur. They consist of sanitary sewers, solid waste management, water service, fire protection, police protection, parks and recreation programs, electric service, land use controls, communications facilities, public schools on a district-wide basis, and paved streets with adequate provision for storm-water run-off and pedestrian travel.

**Mining Spoils.** All waste materials, solid, rock, mineral, liquid, vegetation and other materials resulting from or displaced by quarry and mining extraction operations within the operating permit area, including all waste materials deposited in or upon lands within the operating permit area.

**Mini-Warehouse.** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of storage units are permitted on the premises.

**Mixed-Use Building or Development.** A building or development characterized by either a vertical or horizontal physical integration of uses. A mixed-use building is a structure at least two stories in height that includes a mix of uses such as retail and office uses, residential and commercial uses, or commercial and light industrial uses. A mixed-use development includes multiple buildings, usually of multiple stories, designed to assure a diversity of compatible land uses that may include a mixture of residential, office, retail, services, recreational, live/work units, flex space uses, and other miscellaneous uses allowed in a zoning district.

**Modification.** A request submitted to change a final approval of any development proposal or a modification as may be permitted to a Plan District development or building standards.

**Modification of application.** The applicant's submittal of new information after an application has been deemed complete and prior to the close of the record on a pending application that would modify a development proposal by changing one or more of the following described components: proposed uses, operating characteristics, intensity, scale, site layout (including but not limited to changes in setbacks, access points, building design, size or orientation, parking, traffic or pedestrian circulation plans), or landscaping in a manner that requires the application of new criteria to the proposal or that would require the findings of fact to be changed. It does not mean an applicant's submission of new evidence that merely clarifies or supports the pending application.

**Motel.** A building or group of buildings, not including a building designed or arranged as a single unit dwelling, in which lodging is provided to guests for compensation, consisting of individual sleeping quarters, with or without cooking facilities, with separate entrances opening directly on a parking area.

**Multi-Use Path.** A paved facility intended to be used by pedestrians, skaters (inline or roller), and bicyclists that has no or minimal cross-flow by motor vehicles. The multi-use path is generally designed for two-way travel. The multi-use path may be separated from and aligned with the public right-of-way within an easement or located within the public right-of-way.

**Multiple Unit Housing.** Five or more dwelling units on an individual lot or parcel, except for Cottage Cluster housing, and not counting Accessory Dwelling Units (ADUs).

## **N**

**National Register of Historic Places.** The official list, established by the National Historic Preservation Act, of sites, districts, buildings, structures and objects significant in the nation's history or whose artistic or architectural value is recognized.

**Native Plants, Native Vegetation.** Plant species that are indigenous to a local area and adaptable to the local climate, soils and hydrology as distinguished from plant species that have been deliberately or accidentally imported or introduced from other areas by humans or human activities.

**Natural Resources.** These include, but are not limited to, water and geologic features, significant natural vegetation, wildlife habitats and archaeological and scenic resources as inventoried in the working papers of the Metro Plan.

**Neighborhood Activity Center.** Any public park or recreation facility, public or private school, government service, commercially zoned property, or mixed-use zoned property.

**Neighborhood Park.** A park, traditionally from five acres to 15 acres in size, which provides easily accessible recreation areas serving neighborhood citizens and providing high density active or passive use.

**Neighboring.** The area in the immediate vicinity of a proposed development that would be materially affected by a proposal.

**Net Density.** See "Density, net".

**Noise Attenuating Barrier.** A structural barrier designed and constructed with the primary function of containing sound within a specific use area.

**Noise Sensitive Property.** Real property normally used for sleeping, or normally used for schools, churches, hospitals, or public libraries, excluding industrially related residential uses, i.e., night watchman quarters.

**Non-Commercial Agricultural Uses.** The raising of crops, plants or farm animals on property where allowed by this Code for the sole use of the owners or tenants of that property and not for wholesale or retail sale.

**Non-Exempt Tree or Vegetation.** Vegetation that is not exempt from the solar access regulations.

**Notice.** The announcement of a decision of the Director by mail to adjacent property owners/occupants within 300 feet of the subject property indicating the nature of the decision and the method of appeal; the announcement of a public hearing by mail to property owners/occupants within 300 feet of the subject property and advertisement in a newspaper of general circulation in the area, indicating the time, place and nature of the public hearing in compliance with ORS 197.762.

**NPDES.** National Pollutant Discharge Elimination System.

## O

**OAR.** Oregon Administrative Rule.

**Official Zoning Maps.** Maps delineating the boundaries of the various zoning districts within the city limits and the City's urbanizable area that are adopted by ordinance and maintained by the Development Services Department.

**Occupancy, Certificate of.** A required certificate allowing occupancy of a structure or development area after it has been determined that the requirements of this Code and other applicable Codes have been met. No structure or development area may be occupied without having first received a Certificate of Occupancy.

**Open Space.** Land or water essentially unimproved and set aside, dedicated, designed or reserved for public use or enjoyment, or for the use and enjoyment of owners and occupants of land abutting or neighboring the open space.

**Open Space, Common.** Land normally within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include

recreational and other accessory structures and improvements in accordance with this Code.

**Open Space, Private.** Areas intended for the private use of an individual dwelling unit, normally including patios and landscaped areas; not to include off-street parking, maneuvering, loading or delivery areas, and designed for outdoor living and recreation.

**Open Space, Public.** Areas intended for public use, either privately owned and maintained or dedicated to the City, normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian, equestrian, and bicycle trails, not to include off-street parking or loading areas or driveways, and designed for outdoor living and recreation or the retention of an area in its natural state.

**ORS.** Oregon Revised Statutes.

**Outdoor Storage.** The keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles for more than 24 hours.

**Outdoor Storage Area.** A primary use that occurs on property for the purpose of outdoor storage of vehicles, equipment, or materials, including, but not limited to, vehicle, equipment and boat sales or rental lots; commercial storage lots; mobile/manufactured home, camper and RV sales lots; fleet parking lots; and lumber, gardening, fuel and other similar building material yards.

**Outdoor Storage Yard.** A secondary use that occurs on any property for the purpose of the outdoor storage of associated materials and equipment, other than wrecking yards.

**Outfall.** The point of discharge from a river, pipe, drain or other device to a receiving watercourse.

**Overburden.** The soil, rock and similar materials that lie above natural deposits or minerals.

**Owner.** An individual, firm, association, syndicate, partnership or corporation having proprietary interest to seek development of land.

## **P**

**Parcel.** This term includes a unit of land created by partitioning land as defined in ORS 92.010 that is in compliance with this Code and in the case of Property Line Adjustments, properties created by deed or land sales contract, if there were no applicable planning, zoning, or partitioning ordinances or regulations. A Parcel does not include a unit of land created solely to establish a separate tax account.

**Parking.** The temporary storage of operational motor vehicles that are not for sale, lease or rent and which are intended to be used for customers and employees of a business and industry or residents and visitors in a residential development.

**Parking Bay.** An extension of the width of a street that allows for the parking of motor vehicles, usually associated with hillside development.

**Parking Lot.** An off-street area with a permanently maintained paved surface, for the parking of motor vehicles.

**Parking Space.** A permanently maintained paved surface with proper access for one standard size or compact automobile.

**Parking Space, Disabled.** A parking space that is reserved for use by disabled persons who hold the appropriate permit issued by the Oregon Department of Motor Vehicles and/or the Springfield Police Department.

**Parking Space, Off-Street.** An approved space for the parking of a motor vehicle which is not located on a dedicated street right-of-way.

**Partition Land.** The division of land into two or three parcels within a calendar year, but does not include:

- (1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- (2) An adjustment of a property line by the relocation of boundaries where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not in conflict with any applicable Ordinance;
- (3) A sale or grant by a person to a public agency or public body for State highway, county road, city street or other right-of-way purposes provided that the road or right-of-way complies with the applicable comprehensive plan and ORS 215.213(2)(q) to (s) and 215.283(2)(q) to (s). However, any property divided by the sale or grant of property for State highway, county road, city street or other right-of-way purposes continue to be considered a single unit of land until the property is further subdivided or partitioned;
- (4) The division of land resulting from the recording of a subdivision or condominium plat; or
- (5) A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the State, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property. The property line adjustment must be approved or disapproved by the applicable local government. If the property line adjustment is approved, it must be recorded in the deed records of the county where the property is located.

**Partition Plat.** A final map and other writing containing all the descriptions, locations, specifications, provisions, and information concerning a partition.

**Party or Parties.** The following persons or entities are defined as a party:

- (1) The applicant and all owners or contract purchasers of record, as shown in the files in the Lane County Department of Assessment and Taxation, of the property which is the subject of the application.
- (2) Any person who makes an appearance and/or submits testimony to the Approval Authority.

**Pedestrian Trail.** A surfaced path that is designed and reserved for the exclusive use of pedestrian travel.

**Pedestrian Way.** A paved right-of-way through a block to facilitate pedestrian access to adjacent streets and properties.

**Permanent Irrigation System.** An approved water piping system installed underground for the purpose of irrigating all portions of landscaped areas.

**Permit.** Discretionary approval of a proposed development of land. "Permit" does not include:

- (1) A limited land use decision;
- (2) A decision which determines the appropriate zoning classification for a particular use by applying criteria or performance standards defining the uses permitted within the zone, and the determination applies only to land within an urban growth boundary;
- (3) A decision which determines final engineering design, construction, operation, maintenance, repair, or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; or
- (4) An expedited land division.

**Person.** An individual, corporation, governmental agency, business trust, estate, partnership, association, or any other legal entity.

**Petition for Improvement.** A petition submitted for construction and improvements as required by this Code.

**Physical Features.** These features include, but are not limited to, significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourse Map and their riparian areas, wetlands, and rock outcroppings.

**Pipeline.** A line of pipe with pumps, valves and control devices for conveying liquid, gasses, or finely divided solids.

**Place of worship.** A place for people to gather for religious activity. Examples include church, synagogue, mosque, chapel, or meeting house. Includes associated uses as described in SDC 4.7.370. (ORS 227.500)

**Plan District.** A planning tool that addresses concerns unique to an area when other zoning tools cannot achieve the desired results. An area may be unique based on natural, economic, or historic attributes; be subject to problems from rapid transition in land use; or contain public facilities that require specific land use regulations for their efficient operation. Plan Districts provide a means to modify zoning regulations for specific areas defined in special plans or studies. Each Plan District has its own nontransferable regulations. This contrasts with base zone and overlay zone provisions, which are intended to be applicable in more than one area. However, Plan Districts are not intended for small areas or individual properties.

**Planning Commission.** The Springfield Planning Commission.

**Planted.** Landscaping with living plant materials consistent with SDC 4.4.100.

**Plat.** A map, containing all the descriptions, locations, specifications, dedications, provisions, or other information concerning a subdivision, partition or replat of either.

**Plot Plan.** A rough sketch map of a site plan or land division of sufficient accuracy to be used for the purpose of the identification of issues and development impacts.

**Prefabricated Dwelling.** A building or structural unit that has been in whole or substantial part manufactured at an off-site location to be wholly or partially assembled on-site, but does not include a mobile home, trailer, or recreational vehicle. Prefabricated structures are regulated under the State of Oregon Structural Specialty Code.

**Preliminary Approval.** The approval prior to Final Approval, after specific elements of a development or Site Plan have been approved by the Approval Authority and agreed to by the applicant.

**Preliminary Map.** A clearly legible drawing of the proposed lay out of the lots/parcels involved in a property line adjustment which provides a basis for the Approval Authority to approve or disapprove the application.

**Primary Structure.** A structure of chief importance or function on a site. In general, the primary use is carried out in a primary structure. However, in the R-1 District (unless specified elsewhere in this Code), a site may have more than one primary structure. The difference between primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials and the orientation of the structures on the site (See also **Accessory Structure** and **Accessory Dwelling Unit**).

**Private Elementary/Middle Schools.** A facility operated by a person or private agency offering education in kindergarten and/or grades one through eight or any part thereof not as defined in ORS 345.505 et. seq.

**Private Park.** A park available for public use owned by a non-public agency or private individual.

**Properly Functioning Condition.** The state of the physical, chemical, and biological aspects of watershed ecosystems that will sustain healthy salmonid populations. Properly functioning condition generally defines a range of values for several measurable criteria rather than specific, absolute values, including, but not limited to, hydraulic run-off, transport, channel migration, native vegetation succession.

**Property line.** A line which divides one property from another or from a public or private street or any other public space.

**Property Line Adjustment.** The relocation of a common property line between two abutting properties.

**Public Facilities Plan.** A Refinement Plan of the Metro Plan addressing sanitary and storm sewers, water distribution systems and transportation.

**Public Hearing.** A meeting announced and advertised in advance that is open to the public, with the public given an opportunity to provide testimony.

**Public Utility Facility.** Structures, facilities, and equipment necessary to serve development by a government, public utility, utility cooperative, or private company.

- (1) **Low Impact.** Telephone and cable telephone lines, poles, junction boxes, exchanges and repeater stations; electric power distribution lines (less than 69 KV) and poles; sanitary sewer pipe lines, pumps or lift stations; storm sewer pipe lines, ditches and other storm-water management or water quality ponds, wetland, or swales; gas distribution pipe lines; water pipe lines, valves, well fields, pump stations and attendant facilities; water reservoirs and water storage tanks less than 300,000 gallons or 30 feet in height, and water treatment facilities, including filtration plants, less than 2.5 million gallon capacity per day.
- (2) **High Impact.** Electric power transmission lines (greater than 69 KV), poles and substations; gas pipe line valve stations; sanitary sewer treatment plants or effluent ponds; water reservoirs and water storage tanks greater than 300,000 gallons or 30 feet in height; water treatment facilities, including filtration plants greater than 2.5 million gallon capacity per day; fire/ambulance stations.

## Q

**Quarry and Mining Extraction Operation.** All or any part of the process of removing mineral deposits exposed by any method, including open-pit mining operations, auger mining operations, shaft mining, the construction of borrow pits, processing of extracted minerals and exploration activities. Expansion of a quarry and mining extraction operation is the enlargement of the operation requiring the modification of the Reclamation Permit specified under ORS 517.790. Quarry mining and extraction operation does not include normal road maintenance and stabilization of hillsides.

**Quarry and Mining Operator.** Any individual, public, or private corporation, political subdivision, agency, board or department of this State, any municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever that is engaged in quarry and extraction operations.



**Quarry and Mining Owner.** The person possessing legal rights to the mineral deposit being mined.

## **R**

**Reclamation, quarry or mining.** The employment of procedures in a quarry and mining extraction operation designed to minimize as much as practicable the impact the operations have on the environment, and to provide for the rehabilitation of land affected by the operations. Reclamation includes the rehabilitation of plant cover, soil stabilization, water resource protection and other measures appropriate to the subsequent beneficial use of the mined and reclaimed lands.

**Reclamation Permit.** Permission to operate a quarry and mining extraction operation (to include a plan for reclamation) granted to an operator by the State Department of Geology and Mineral Industries under the requirements of ORS 517.790, upon referral, review, and approval by the Director.

**Recreation Center, Community.** A public, indoor facility providing for a variety of recreation/leisure-related activities, for example: swimming, meetings, court sports, arts and crafts, dancing, banquets, parties, games, day-care, classes/instruction, performances, fitness/exercise, and social referral services.

**Recreational Marijuana.** Any marijuana intended for recreational use which meets all requirements for recreational marijuana contained in this Chapter, Oregon state law, and any other applicable law.

**Recreational Vehicle (RV).** A vacation trailer or other unit, with or without motive power, which is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and has a gross floor space of less than 400 square feet. The term includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit must be identified as a recreational vehicle by the manufacturer or converter.

**Redevelopment.** A project that entails construction activities, occurs on a previously developed site and results in the addition or replacement of impervious surface. Redevelopment does not include: Maintenance activities; Construction Activities conducted to ameliorate a public health or safety emergency or natural disaster; and/or Construction Activities within an existing footprint to repair or replace a site or a structure damaged by a public health or safety emergency or natural disaster.

**Refinement Plan Diagram.** A map contained in a Refinement Plan showing plan designations that are more specific than shown on the Metro Plan Diagram.

**Regional Headquarters.** A building or portion of a building in which persons are employed in the regional management or direction of a business consisting of a number of divisions or a regional subsidiary of a corporate headquarters. The divisions can be either geographical or located within one building. To be considered a regional headquarters, the business must meet the applicable employee threshold specified

elsewhere in this Code. Businesses that do not meet the applicable employee threshold is considered an administrative office.

**Regional Park.** A large area of natural quality for outdoor recreation for example, swimming, boating, camping, and picnicking, and for wildlife habitat and natural resource conservation. Generally comprising 100 acres or more, where 80 percent of the land is reserved for natural open space and 20 percent is used for recreation development.

**Registered or Certified Family Child Care Home.** See Definition for Childcare Facility. Also see ORS 329A.

**Registered Geologist.** A person who is registered as a geologist by the State of Oregon.

**Replat, Major.** The elimination and/or relocation of more than two exterior and/or interior common boundary lines or *property* lines within a recorded Subdivision; or an increase in the number of lots; or decrease of two or more lots within a recorded Subdivision.

**Replat, Minor.** The elimination and/or relocation of no more than two exterior and/or interior common boundary lines or *property* lines within a recorded Subdivision or Partition; or a decrease of one lot/parcel within a recorded Subdivision or Partition.

**Relocation.** A shift or rotation of a common boundary between two abutting lots or parcels.

**Research and Development.** The study, testing, analysis, and development of products, processes, or services, including the manufacturing of products. This use is divided into categories as follows based upon the number of employees at occupancy: large-scale means 50 or more employees; medium-scale means 20-49 employees; small scale means fewer than 20 employees per business. These thresholds are applicable at the time of new development. In the case of redevelopment, the Director may reduce the at occupancy threshold if the applicant submits a business plan stating that the threshold can be met by a date certain.

**Reserve Strip.** A strip of property, usually one foot wide, controlling access to a street.

**Residential Care Facility.** A facility licensed under ORS 443.400 to 443.455 that provides residential care in one or more buildings on contiguous properties:

- (1) For six or more socially dependent individuals or individuals with physical disabilities; or
- (2) For fewer than six socially dependent individuals or individuals with physical disabilities if the purpose of the facility is to serve individuals with co-occurring behavioral health needs who are more appropriately served in smaller settings.

**Residential Home.** A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer

individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements must not be counted in the number of facility residents, and need not be related to each other or to any other resident of the residential home. This definition includes residential treatment homes, residential training homes and adult foster homes.

**Residential infill.** See "Infill, residential".

**Residential use.** Of, relating to, or connected with a residence or residences.

**Retail Sales.** Establishments engaged in selling goods or services to the general public for personal or household consumption. Retail trade may include wholesale trade, but only as a secondary use.

**Retaining Wall.** An engineered structure constructed to hold back or support an earthen bank.

**Review Authority.** See "Approval Authority."

**Right-of-Way.** Land acquired by purchase, reservation, dedication, forced dedication, prescription or condemnation intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water *line*, sanitary/storm sewer and other similar facilities.

**Riparian Area.** Riparian areas are vegetated areas (generally consisting of trees, shrubs, and grasses) located along the side of a water body and are transitional boundaries between land and water environments. Riparian zones act as buffers to protect surface waters from contamination and are habitats for a large variety of animals and birds.

**Riparian Area Functions.** These functions include, but are not limited to, maintaining temperature; maintaining channel stability; providing flood storage; providing groundwater recharge; removing sediments; reducing contaminants, for example, excess nutrients, oils and grease, metals, and fecal coliform; moderating stormwater flows; and providing fish and wildlife habitat. Degraded riparian function means that one or more of the functions listed above are at risk.

**Roadway.** The portion of a street right-of-way used for vehicular traffic.

**Run-Off.** Water that flows across land surfaces rather than being absorbed.

## **S**

**Safe Drinking Water Act (SDWA).** A federal law established in 1974, to protect drinking water and its sources (rivers, lakes, reservoirs, springs, and ground water) and sets standards for drinking water quality and oversees the states, localities, and water suppliers who implement those standards.

**School.** A building where individuals gather to receive educational instruction, either public or private, except as otherwise specifically defined in this Code. School does not include a childcare facility as defined in this Chapter.

**Screen.** A visual barrier obscuring an abutting or neighboring structure or use by fencing, walls, berms, or densely planted vegetation.

**Service Station.** An establishment selling fuel and oil for vehicles which may include the following additional services: selling, servicing, and installing tires, batteries, accessories, and related products; furnishing minor repair and service when conducted entirely within an enclosed building, and at which incidental services are conducted. "Minor repair and service," as used in this definition, is understood to exclude activities such as painting, bodywork, steam cleaning, tire recapping, and engine overhaul.

**Setback.** An area where buildings and certain structures cannot be constructed, measured from the property line. A setback may be referred to as "yard", as defined in this section, including "yard, front", "yard, rear", and "yard, side". This definition does not include solar setback.

**Shared Use Path.** A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.

**Shopping Center.** A group of commercial establishments planned, developed, and managed as a unit with off-street parking and circulation provided on the property.

**Short Term Rental, Type 1.** – A single unit dwelling occupied by one or more occupants as a primary residence, and where lodging is provided for compensation, with or without meals, for a period of less than 30 consecutive calendar days, counting portions of calendar days as full days, for more than seven calendar days per year.

**Short Term Rental, Type 2.** – A single unit dwelling, not occupied as a primary residence, arranged or used for lodging for compensation, with or without meals, for a period of less than 30 consecutive calendar days, counting portions of calendar days as full days, for more than seven calendar days per year.

**Sidewalk.** The portion of a street or highway right-of-way designated for preferential or exclusive use by pedestrians.

**Single-unit Dwelling, Attached.** See "Townhome."

**Single-unit Dwelling, Detached (SD-D).** One dwelling unit on its own lot or parcel that does not share a wall with any other dwelling unit, other than an accessory dwelling unit.

**Single Room Occupancy (SRO's).** A residential property that contains multiple single room dwelling units where each unit is for occupancy by a single eligible individual. The unit need not, but may, contain food preparation or sanitary facilities, or both.

**Site Plan.** The development plan for a development area that meets the standards of this Code.

**Siting Standard.** A standard related to the position, bulk, scale, or form of a structure or a standard that makes land suitable for development. Siting standards include, but are not limited to, standards that regulate setbacks, dimensions, bulk, scale coverage, minimum and maximum parking requirements, utilities, and public facilities.

**Slope.** An inclined ground surface, the inclination of which is expressed as percent of horizontal distance to vertical distance.

**Small Engine Repair.** Maintenance and repair of household and non-automotive engines less than 100 cubic centimeters (cc's) in displacement.

**Springfield Municipal Code.** Springfield Municipal Code, 1997 and any amendment thereto.

**Standard.** A measure of physical attributes and/or policy conformance which must be satisfied in order to allow a proposed land use or development to be established or modified.

**Standard Construction Specifications.** Standards governing the construction of all public improvements within the City, adopted by the Council, dated 1981, and as may be amended.

**Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, for example, the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, including clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundation, or the erection of temporary forms; nor does it include the installation on the *property* of accessory buildings, for example garages or sheds not occupied as dwelling units or not part of the main structure.

**State.** The State of Oregon.

**Stormwater.** Water derived from a storm event or conveyed through a storm sewer water management system.

**Stormwater Best Management Practices (BMPs).**

- (1) **Nonstructural.** Strategies implemented to control stormwater run-off that focus on pollution prevention, including, but not limited to, alternative site design, zoning and ordinances, education, and good housekeeping measures.

**(2) Structural.** Engineered devices implemented to control, treat, or prevent stormwater run-off pollution.

**Stormwater Management Plan.** A policy document adopted and, as modified from time to time, approved by resolution of the City Council setting forth the policies and procedures to be used in reviewing development proposals that alter or affect the natural, pre-development flow of stormwater. These policies and procedures are to be applied to public and private improvements and allow City staff to provide certainty to developers and consultants to permit them to design and submit for approval safe, efficient, and cost effective stormwater management system projects within the City and its Urban Growth Boundary.

**Stormwater Management System.** The structures, facilities, and practices utilized by the City and/or a development to control and manage the quantity and quality of groundwater discharges and surface water run-off, including stormwater run-off, non-storm generated run-off and floodwaters.

**Street.** Any roadway and associated right-of-way that provides access to one or more lots/parcels and that is a part of the city-wide street system.

**Street, Improved.** A street that includes a fully paved surface, curb, gutter, storm drainage, sidewalk, street trees (where applicable) and street lighting, all constructed to City standards.

**Street, Private.** Any roadway and associated land that is functionally similar to a public street, constructed to City standards, but not dedicated to the City.

**Street, Unimproved.** A street that lacks any of the features of an improved street.

**Strip Commercial.** Commercial development set in a linear pattern along one or both sides of a street.

**Structure.** Anything constructed or built, any edifice or building or any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Structure, Parking.** A parking garage located aboveground or underground consisting of two or more levels.

**Structure, Primary.** A structure, or combination of structures, of chief importance or function on a site. In general, the primary use is carried out in a primary structure. A site may have more than one primary structure. The difference between primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on the site. (See also **Accessory Structure** and **Accessory Dwelling Unit**.)

**Subdivide Land.** To divide an area or tract of land into four or more lots when the area or tract of land exists as a unit or contiguous units of land under single ownership at the time of subdivision.

**Subdivision.** Either an act of subdividing land, or an area or tract of land subdivided as defined in this Section.

**Subdivision Plat.** A final map and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a subdivision.

**Survey.** The location of the legal boundaries of an area and the division of that area into lots or parcels, streets and other features with all necessary corners or dividing lines marked or monumented, prepared by a surveyor in accordance with State law.

**Surveyor.** A professional land surveyor registered in the State of Oregon.

## I

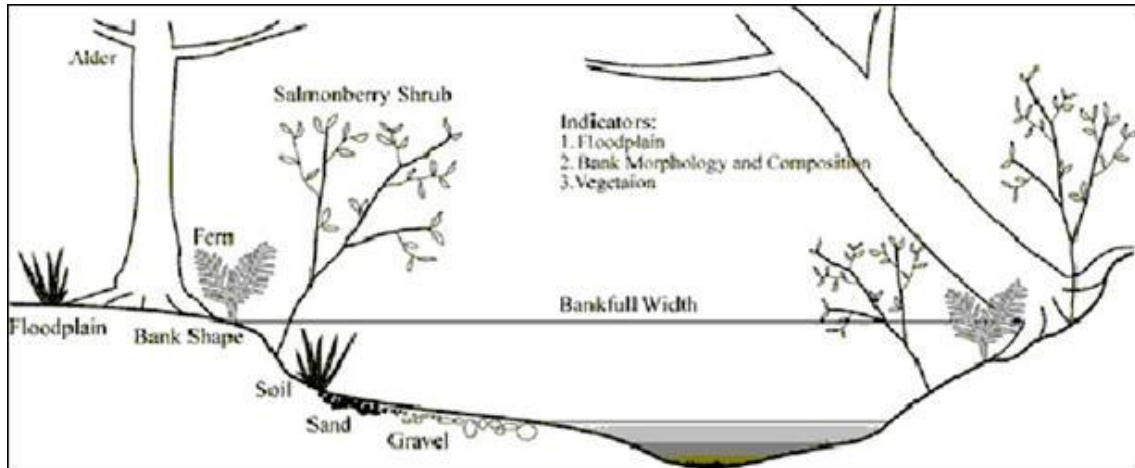
**Tentative Plan.** A clearly legible drawing of the lots or parcels and other elements of a partition or subdivision which provides a basis for the approval authority to approve or disapprove the general layout of the development.

**Time of Travel Zone (TOTZ).** The area mapped pursuant to Oregon Health Division Delineation Certification #002R which identifies the time it takes groundwater to flow to a given well or wellhead.

**Top of Bank.** For a given watercourse, the top of bank is the same as the "bankfull stage." The "bankfull stage" is defined as the stage or elevation at which water overflows the natural banks of streams or other waters of the State and begins to inundate the upland. The ground elevations on both sides of the watercourse are examined and the lower grade break elevation; the elevation where water would leave the channel in a particular reach is used. The elevation of the lower bank controls the bank full elevation for a watercourse reach. The edge of the bankfull watercourse typically corresponds to the start of the floodplain. The start of the floodplain is often characterized by:

- (1) A berm or other break in slope from the watercourse bank to a flat valley bottom, terrace or bench;
- (2) A change in vegetation from bare surfaces or annual water-tolerant species to perennial water-tolerant or upland species; and
- (3) A change in the size distribution of surface sediments (e.g., gravel to fine sand) (Figure 6.1-D).

**Figure 6.1-D.**  
**Indicators for Determining Bankfull Width**



In the absence of physical evidence, the 2-year recurrence interval flood elevation may be used to approximate the bankfull stage.

**Townhouse (Townhome).** A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a rowhouse, attached house, or common wall house.

**Townhouse Project.** One or more townhouse structures constructed, or proposed to be constructed, together with the development area where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and any commonly owned property.

**Traffic Impact Study.** An analysis of the effects of a proposed development on the transportation system, and of traffic impacts on neighboring properties.

**Traffic Study.** A limited analysis of the operational aspects and traffic safety issues of a particular development area, including, but not limited to, on-site traffic circulation and access design and operation.

**Triplex.** Three dwelling units on one lot or parcel. Units may be attached vertically or horizontally or detached.

## U

**Urban Growth Boundary.** A site-specific *line* that separates urban or urbanizable land from rural land and which appears on the Metro Plan Diagram.

**Urban Land.** Land which is located within an incorporated City.

**Urbanizable Land.** All land outside the city limits but inside the Urban Growth boundary.

**Use.** The purpose for which land and structures are arranged, designed, intended, occupied, or maintained. Any activity taking place on land or in or on structures.



**Use, Accessory.** A use or uses within a primary commercial, office and/or employment building that is for the employees' benefit and that does not generally serve the public, including, but not limited to, building maintenance facilities, central mail rooms, child care, conference rooms, employee restaurants and cafeterias, indoor recreation areas, and indoor recycling collection centers. The accessory use is not considered a secondary use and does not have to meet any percentage standard; however, the accessory use must be part of a primary use building.

**Use/Activity, Water-Dependent.** A use or activity that requires access to the Willamette River for water-borne transportation, recreation, energy production, or source of water.

**Use/Activity, Water-Oriented.** A use or activity whose attraction to the public is enhanced by a view of or access to the Willamette River.

**Use/Activity, Water-Related.** A use or activity that is not directly dependent upon access to the Willamette River, but which provides goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to the river, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or activities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and mobile home parks are not generally considered dependent on or related to water location needs.

**Use Category.** A grouping of land uses which have similar operating characteristics and land use impacts.

**Use, Nonconforming.** The use of land or structures, or the size, height, location or number of structure, formerly permitted or otherwise lawful, but which currently does not comply with existing standards or provisions of this Code.

**Use, Permitted.** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**Use, Primary.** An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use. The primary use usually occupies more than 50 percent of the gross floor area of a building or more than 50 percent of a development area. Tree removal and timber harvesting are not primary uses within the Urban Growth Boundary.

**Use, Re-Use.** Any change in use, tenancy, or occupancy of a building.

**Use, Secondary.** Any approved use of land or a structure that is incidental and subordinate to the primary use, and located in the same building or in the same development area as the primary use. No secondary use can occupy more than 50 percent of the gross floor area of a building or more than 50 percent of a development area occupied by the primary use. Secondary uses must not occur in the absence of primary uses. Secondary uses are not accessory uses.

**Use, Special.** Any use of land or a structure which due to its operating characteristics or land use impact is permitted under prescribed conditions in the applicable zoning district.

**Use, Temporary.** A use established for a fixed period of time that does not involve the construction or alteration of any permanent structure.

**Use, Water Dependent.** A use that requires access to the Willamette River for water-borne transportation, recreation, energy production, or source of water.

**Use, Water Related.** A use that is not directly dependent upon access to the Willamette River, but which clearly benefits from the access.

**Utility Provider.** Any agency or private company which provides the public with electricity, gas, heat, steam, communications, rail transportation, water, sewage collection, or other similar service.

## V

**Variance.** An exception to a requirement of this Code. This definition does not include use variances; a variance cannot be used in lieu of a zone change.

**Vision Clearance Area.** A portion of land established at street, alley, or driveway intersections in which nothing may obstruct the sight distance of motorists entering or leaving the intersection, unless specifically exempted by this Code.

## W

**Walkable Distance.** The shortest distance as measured along a straight line between a point along the perimeter of the development site and a point along the property line of the destination.

**Warehousing.** The storage of finished and unfinished products and materials within an entirely enclosed building. This use may include facilities for regional wholesale distribution, if permitted by the applicable land use district.

**Watercourse.** Rivers, streams, sloughs, drainages including intermittent stream and seeps, ponds, lakes, aquifers, wetlands, and other waters of the State. This definition also includes any channel in which a flow of water occurs, either continuously or intermittently, and if the latter with some degree of regularity. Watercourses may be either natural or artificial. Specific watercourses that are protected by this Code are those shown on the water quality Limited Watercourse Map.

**Water Quality Limited Watercourses (WQLW).** Those watercourses within the City and its urbanizing area that are specified on the WQLW Map.

**Waters of the State.** These waters include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (excluding those private waters which do not combine or effect a junction with

natural surface or underground waters), which are wholly or potentially within or bordering the State or within its jurisdiction.

**Wellhead Protection.** Implementation of strategies within a wellhead protection area to minimize the potential impact of containment sources on the quality of groundwater used as a drinking water source by a public water system.

**Wellhead Protection Area.** A Drinking Water Protection Area for a groundwater-supplied drinking water source.

**Wellness Center.** A facility, owned by a public agency, operated by a public or non-public agency or private individual or firm, offering wellness-related health services and/or treatment to the public, including, but not limited to, diabetes and health education classes, physical, speech and occupational therapy, and fitness and nutrition services, but excluding alcohol and drug rehabilitation facilities other than prevention education.

**Wet bar.** An area, other than a kitchen, that contains a sink with a maximum size of 18 inches by 18 inches. The maximum size of the trap arm and drain for the wet bar sink must not exceed one and one-half inches. The area is not a wet bar if any of the following is also present: a sink larger than 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven.

**Wetlands.** Areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas excluding those constructed as water quality or quantity control facilities.

**Wheel Stop.** A permanent and secured device in each parking stall which blocks the front wheels of a vehicle.

**Wholesale Trade.** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, the individuals or companies. Wholesale trade may include retail trade as a secondary use when wholesale trade is the primary use. Wholesale trade does not include storage and sale of bulk fuel oil, bulk fuel, explosives or other hazardous material, or live animal sales other than small domestic pets when the sales are made from the premises. Wholesale trade by brokerage only, with no display or storage of merchandise on the premises, is considered a Business Office use.

**Windthrow.** Trees felled by wind.

**Wooded Lot/Parcel.** A lot/parcel or parcel 10,000 square feet or larger, above 670 feet in elevation, which contains more than 5 trees 8 inches or greater dbh.

**Working Day.** Monday through Friday, exclusive of official City holidays.

**Wrecking Yard/Salvage Yard.** Any lot/parcel or structure used for the storage, dismantling or sale of inoperable motor vehicles, trailers, machinery and/or building materials or parts.

## **Y**

**Yard.** For the purpose of establishing setbacks, yard is an open space on a lot which is unobstructed from the ground upward, not including up to 18" eaves, and except as otherwise provided in this code.

**Yard, front.** An open space extending the full width of the lot between the front facade of a building or the front of an unenclosed porch and the front lot line, unoccupied and unobstructed from the ground upward, not including up to 18" eaves, and except as specified elsewhere in this code.

**Yard, rear.** An open space extending the full width of the lot between the rear facade of a building and the rear lot line, unoccupied and unobstructed from the ground upward , not including up to 18" eaves, and except as specified elsewhere in this code.

**Yard, side.** An open space extending from the front yard to the rear yard between the side facade of a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, not including up to 18" eaves, and except as specified elsewhere in this code.

**Yard, through-Lot/Parcel Rear Yard:** The first 10 feet of land paralleling street right-of-way this is parallel to and most distant from the front yard *property* boundary used for address purposes.

**Yard, Street Side Yard:** The first 10 feet of land paralleling street right-of-way, which intersects the front yard *property* boundary.

**Youth Hostel.** Any building designed or intended to provide temporary accommodations for traveling young people.

## **Z**

**Zoning District.** A specifically delineated area or district within the Urban Growth Boundary that implements the Metro Plan within which the use of land is regulated and development standards are applied.